

Regular Meeting
Frankfort Board of Commissioners

April 24, 2006
5:30 P.M. (EDT)

PRESENT

Commissioner Kathy Carter
Commissioner Lynn Bowers
Commissioner Rodney Williams
Commissioner J. W. Bryan
Mayor William I. May, Jr. (5)

ABSENT

None (0)

The Invocation was given by Reverend Lewis Newby, Pastor of the First Corinthian Baptist Church. The Pledge of Allegiance was recited.

Commissioner Bowers called for the minutes of February 16, 2006; March 27, 2006; April 10, 2006; and April 13, 2006 to be read. It was moved by Commissioner Bowers that corrections be made to the minutes April 10, 2006. The motion failed to receive a second.

It was moved by Commissioner Carter, seconded by Commissioner Williams, that the reading of minutes of February 16, 2006 Work Session; March 27, 2006 Regular Meeting; April 10, 2006 Work Session; and April 13, 2006 Work Session be dispensed with and the minutes be approved as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Williams and Bryan, and Mayor May (4). Voting against the motion was Commissioner Bowers (1). The motion was thereupon adopted.

Mayor May read a Proclamation naming May “Neurofibromatosis Awareness Month.” The Proclamation was presented to Ms. Ann Brooks on behalf of her son, Mayor Bill Brooks of Belle Isle, Florida. Ms. Brooks spoke briefly about Neurofibromatosis.

“AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES, ARTICLE 12, SECTION 12.02 – TABLE OF REQUIRED PARKING, BY ADDING LANGUAGE THAT SPECIFICALLY ADDRESSES PARKING AT FUEL PUMPS” was presented and read. This ordinance had its first reading March 27, 2006. It was moved by Commissioner Carter, seconded by Commissioner Williams that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 5, 2006 Series).

“AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 36, ADMINISTRATION, SECTION 36.051, SIGNING CHECKS” was presented and read. This Ordinance had its first reading March 27, 2006. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 6, 2006).

“AN ORDINANCE REZONING PROPERTY FOR A 3.061-ACRE PARCEL OF PROPERTY LOCATED AT 117 OLD SOLDIERS LANE WITH THE PVA MAP # 049-40-06-027.00 FROM RESIDENTIAL “B” DISTRICT (RB) TO PROFESSIONAL OFFICE DISTRICT (PO)” was presented and read.

“AN ORDINANCE REZONING PROPERTY FOR A 2.769-ACRE PARCEL OF PROPERTY LOCATED AT 117 LEONARDWOOD DRIVE WITH THE PVA MAP# 050-00-00-067.08 FROM PROFESSIONAL OFFICE DISTRICT (PO) TO PLANNED COMMERCIAL UNIT DEVELOPMENT (PC) “ was presented and read.

“RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A MUNICIPAL ROAD AID BOND FUND AGREEMENT BETWEEN THE CITY OF FRANKFORT, KENTUCKY AND THE COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF INTERGOVERNMENTAL PROGRAMS, AND ACCEPTING ALL STREETS REFERRED TO THEREIN AS BEING STREETS WHICH ARE A PART OF THE CITY OF FRANKFORT’S INCORPORATED AREA” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 5, 2006 Series).

“RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR 2006 RECREATIONAL TRAILS PROGRAM GRANT FUNDS AND AUTHORIZE THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 6, 2006).

“RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR 2006 CEMETERY PRESERVATION GRANT FUNDS AND DESIGNATING THE MAYOR TO EXECUTE ALL GRANT DOCUMENTS PERTAINING TO THIS APPLICATION” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 7, 2006).

“RESOLUTION RELATED TO THE PROTECTION OF THE PUBLIC HEALTH AND WELFARE BY REQUESTING RESTAURANTS AND OTHER BUSINESS ESTABLISHMENTS IN WHICH FOOD IS SERVED TO THE PUBLIC TO PROHIBIT THE SMOKING OF TOBACCO PRODUCTS” was presented. It was moved by Commissioner Bowers to amend the Resolution to include after the word “establishments” the phrase “that cater to the adult population.” The motion did not receive a second. There was discussion and public comments from Rosie Miklavcic, Franklin County Health Department, and John Center, Frankfort Bingo. It was moved by Commissioner Bryan, seconded by Commissioner Carter, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers and Bryan, and Mayor May (4). Voting against the motion was Commissioner Williams (1). The motion was thereupon adopted (Resolution No. 8, 2006 Series).

“RESOLUTION OF THE CITY OF FRANKFORT ACCEPTING GRANT FUNDING FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE CAVE RUN DRAINAGE PROJECT, APPROVING THE GRANT AGREEMENT, AUTHORIZING THE AMENDMENT OF THE LOCAL BUDGET, AND AUTHORIZING THE MAYOR TO SIGN ALL GRANT-RELATED DOCUMENTS (SX21073016)” was presented. It was moved by Commissioner Bryan, seconded by Commissioner Carter, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 9, 2006 Series).

Consent Agenda

The following miscellaneous and personnel items were presented:

- 6.1 Approved a Sewer Extension Contract with Tom D. Issac, President of Issac Properties, Inc. and Denny Nunnelley, Member of Kanun Properties, LLC for property located at Twilight Trail, Franklin County, Kentucky; commercial development improvements include one 45 gallon per minute pump station and 315 feet of 4-inch force main; sanitary sewer plans and specifications have been approved by the

- Division of Water; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.2 Authorized disposal of surplus property by public auction; auction date tentatively set for Saturday, May 20, 2006 at the City Garage off U.S. 421 N. (Finance Department);
- 6.3 Authorized a bid award to Meyer Midwest for the Cave Run Road Drainage Project in the Meadows Subdivision; contract in the amount of \$68,845; project to be completed within 90 days; funds are available in Account No. 100.00.11060; \$150,000 of project costs to be reimbursed from Kentucky Infrastructure Authority upon project completion (Public Works);
- 6.4 Authorized a contract award to HMB Professional Engineers for the update of the Sewer Department Standard Detail Sheets for low-pressure sewer; contract not to exceed \$1,000; funds available in Account No. 200.68.53265 (Sewer Department);
- 6.5 Authorized contract award to HMB Professional Engineers for the design of Septage Pit modifications at the Wastewater Treatment Plant; the design will increase the size of the pit, increase wall height and increase the size of the discharge pipe; total fee for the design is \$7,600.00; funds are available in Account No. 200.68.53265 (Sewer Department);
- 6.6 Authorized a contract award to Ozonia for Ozone Generators for new Ozone System at the Wastewater Treatment Plant; contract approximately 50% over the estimate, but still within the projected budget; contract price of the ozone generators is \$1,205,000; funds are available in Account No. 300.68.56550 (Sewer Department);
- 6.7 Authorized the filing of an application for Urban and Community Forestry Grant funding, and authorized the Mayor to sign all grant-related documents; grant-funded activities include evaluating and prioritizing city trees for hazards and maintenance, and updating the web site; grant amount requested of \$4,900, with a local match of \$5,000 for a total cost of \$9,900; City match to be primarily labor, with a \$600 cash match (Parks and Recreation);
- 6.8 Authorized Change Order #2 with Affholder, Inc. for the East Main Tunnel Project; change order revises geometry of tunnel alignment to accommodate excavation tunnel boring equipment; reimbursement for engineering services to be paid on an hourly basis at a rate of \$140.00 per hour with a total not to exceed fee of \$5,600; funds available in 1997 Bond Issue and Commonwealth of Kentucky's Holmes Street Drainage direct appropriation (Public Works);
- 6.9 Approved a Sewer Extension Contract with Michael Mayo, Chief Executive Officer of Frankfort Regional Medical Center, Frankfort, Kentucky for the new Medical Office Building at 299 Kings Daughters Drive; developer to construct improvements consisting of 4 new manholes and 350 feet of 8-inch SDR 35 pipe serving the office building; the Division of Water has approved the sanitary sewer plans and specifications; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.10 Approved a Sewer Extension Contract with Robert Roach, Franklin County Judge Executive, Franklin County Fiscal Court, for Choateville Phase II (Holly Hill Drive, Pierce Lane, Skyline Drive and Skyview Drive), Franklin County, Kentucky; developer to include improvements of 62 residential grinder pumps, 6,465 feet of 1 ¼" CTS (grinder pump service pressure lines), 2300 feet of 3" pressure main line and 6,520 feet of pressure main line; the Division of Water has approved sanitary sewer plans and specifications; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.11 Authorized an application for Federal Highway Traffic Safety Grant funds and authorized Mayor to sign all grant-related documents; grant funds to be used to plan and execute a comprehensive traffic safety program; grant deadline is May 12, 2006, with successful grantees receiving funds beginning the next federal fiscal year; grant funds will reimburse for manpower overtime and use of equipment while participating in this program; reimbursement of \$72,986.40 expected;
- 6.12 Approved a Sewer Extension Contract with Edward C. Kelsey, Jr., Member, Kelsey Properties, LLC, a Kentucky limited liability company, Frankfort, Kentucky; development at Maples Subdivision Section 4 at Steadmantown Lane in Franklin County, Kentucky zoned for development of 20 residential lots; improvements include 4 new manholes and 823 feet of 8-inch SDR 35 pipe serving lots 98 through 117; the Division of Water has approved the sanitary sewer plans and specifications; final acceptance contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.13 Authorized a Letter of Engagement for Legal Services with the law firm Stites & Harbison; firm will assist in negotiation of consent decree with Kentucky Public Protection and Environmental Cabinet concerning operation/maintenance of sewer system; cost not to exceed \$15,000 cap; funds available in Account No. 200.00.53265 (City Manager).

It was moved by Commissioner Carter, seconded by Commissioner Bryan, to approve the Consent Agenda as presented. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to accept the Mayor's recommendation to reappoint Willie Peale to the Board of Ethics for a term ending 12-31-08; reappoint Kenneth Rollins to the Urban Forestry Board for a term ending 5-8-09; reappoint Deborah White to the Urban Forestry Board for a term ending 5-8-09; reappoint Judi Penrod to the Board of Park Commissioners for a term ending 5-1-10; reappoint Walter Hammond to the Frankfort Housing Authority Board for a term ending 1-29-10; and appoint Vicki Pettus to the Code Enforcement Board for a term ending 3-22-09. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Old Business

Commissioner Bowers brought up an issue on behalf of a citizen concerning the surface of the street in front of Pic Pac on Second Street.

Commissioner Bowers asked the status of the project underway at Hudson Hollow behind her house, especially concerning fencing and trees. City Planning Supervisor Robert Hewitt explained the status, and landscaping options available to the developer. Without objection, Mayor May requested a staff report be prepared for the Board on this project.

New Business

Following discussion, it was moved by Commissioner Bryan, seconded by Commissioner Carter, that the City Solicitor draft an Order prohibiting smoking in all buildings owned and operated by the City of Frankfort, to be effective July 12, 2006. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Williams and Bryan, and Mayor May (4). Voting against the motion were none (0). Abstaining from voting was Commissioner Bowers (1). The motion was thereupon adopted.

It was announced that budget workshops would be held May 11 and 15 at 5:30 p.m.

Citizen Comments

Roger Crall, owner of Valley View Mobile Home Park, spoke in opposition to the enforcement of the City ordinance that would eliminate trash pickup at the mobile home park, and submitted a letter from Kentucky Manufactured Housing Institute; Lewis Potts spoke stating enforcement of the trash ordinance would cause costs to be passed along to residents; and Freeman Dale spoke in opposition to enforcement of the trash ordinance, addressing the hardship it places on residents and liability of city vehicles on private property. Public Works Director Jeff Hackbart explained the issues involved with private road trash pickup and the options presented to Mr. Crall to comply with the ordinance. Discussion followed.

Commissioner Comments

Commissioner Carter recognized Sewer Department employees Jeff Terry, and Melanie Hockensmith; announced Frankfort's award as a Tree City USA from the National Arbor Day Foundation, and reported on the City's recent Arbor Day Ceremony; announced the 153rd anniversary celebration of the Old Capital Hotel held recently at the Capital City Museum; recognized the Parks and Recreation Department for the new Bark Park located in East Frankfort Park; announced the forthcoming Mustang Car Show and Spring Fling; announced the City's participation in upcoming Derby events; announced the South Frankfort Cleanup; encouraged the City's participation in future Earth Day events; announced Frankfort's hosting of the U.S. Police Canine Association for Region 5, June 10-12; noted the recent State Journal article on the Police Department's SWAT team; urged citizens to use the City Bus service; recognized the outstanding performance of the local JC Penney store; and announced a previous Frankfort City Manager was the father to screen star Johnny Depp.

Commissioner Williams commented on the anti-smoking Resolution and restaurants that have made the choice to limit smoking.

Mayor May stated his position in favor of banning smoking in restaurants.

The meeting adjourned at 7:50 p.m. on a motion by Commission Carter, seconded by Commissioner Bryan.

Mayor

Attest:

City Clerk